THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12659 OF 2007

DATED 09th JULY, 2007

BETWEEN

Ratnakara Trust

… Petitioner

AND

The Revenue Divisional Officer, Tenali, Guntur District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12659 OF 2007

ORDER:

Ratnakara Trust, Chirala, filed the instant writ petition seeking a writ of Mandamus declaring the action of third respondent, namely, Mandal Surveyor, Bapatla, in demolishing the structures of the petitioners as illegal and arbitrary.

It is the case of the petitioner that the petitioner Trust established Yogasanalaya, Lecture Hall, Dining Hall, Gosala, Yagnasala, Sadhanalayam and Gayathri Mandiram in the land admeasuring Acs.4.16½ in survey Nos.497/2/A2, 3A2, 497/1A, 1P, 1S, 1T, 1Z, 497/1A1, 1A5, 1A7, 1A8 and 1A9 situated in Adavipallepalem Village of Bapatla Mandal in Guntur District. This land was allegedly purchased by the petitioner Trust and constructions were raised by spending Rs.15 lakhs. The first respondent issued notice on 01.03.2006 calling upon the petitioner to show cause as to why it should not be evicted from the said lands. The petitioner submitted explanation on 13.03.2006 and first respondent has to pass orders. In the meanwhile, present writ petition is filed alleging that on 03.06.2007, third respondent came to the petitioner's premises and highhandedly demolished constructions made by it.

A perusal of the affidavit accompanying the writ petition and the documents filed along with the writ petition would show that in response to the notice bearing Rc.No.C.C.No.1696/CLX/75, dated 01.03.2006, issued by Office of Sub Collector, Tenali, the petitioner submitted explanation on 13.03.2006. As submitted by learned counsel for petitioner, first respondent did not pass any orders and therefore, unless and until orders are passed, third respondent or any other officials cannot take any steps dispossessing the petitioner. If there is any complaint of demolition or highhanded dispossession, it is always open to petitioner to bring it to the notice of first respondent for redressal. As enquiry is pending before first respondent, it would not be proper for this Court to express any opinion on merits of the

case.

The writ petition, with the above observations, is disposed of. No costs.

(V.V.S.RAO,J)

09.07.2007.
pln